IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.5070 of 2007

Date of Decision: November 20, 2007

Mahinder Singh and another .....Petitioners

Versus

Gram Panchayat Tangoli .....Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.BR Gupta, Advocate for the petitioners.

Mr.Naresh Kaushik, Advocate for the respondent.

S. D. ANAND, J.

1. The grievance of the petitioners is that the plea raised by the plaintiff-petitioners to obtain the leave of the Court to adduce additional evidence had been unjustly denied by the learned Trial Court inspite of the fact that the documents to be tendered (Sarat-Wazib Ul-Arj and Consolidation Scheme) are public documents and do not require any formal mode of proof.

2. It is beyond the pale of controversy that the two documents which are proposed to be tendered into evidence, by means of impugned application, are public documents and would not require any formal mode of proof. In that view of things, it was inappropriate for the learned Trial Court to decline the impugned application. The purpose of procedural law is to aid the justice and not to punish a sluggish party. Though there can be no dispute that the plaintiff-petitioners ought to have been vigilant enough

to tender the two documents aforementioned at the appropriate time, it cannot be denied that the non-reception of those documents would not serve the interest of justice.

3. In the light of foregoing discussion, the petition shall stand allowed. The impugned order dated 13.9.2007 shall stand set aside. The application for amendment filed by the plaintiff-petitioners shall stand allowed subject to payment of Rs.2,000/- as costs.

4. The parties through their learned counsel are directed to appear on 10.12.2007. The plaintiff-petitioners shall be granted only one opportunity to tender the documents into evidence .

(S. D. ANAND)
JUDGE

November 20, 2007
SRM

Note: Whether referred to reporter ? Yes/No